

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KAREN HANDLIN, BRIAN HANDLIN, and
MAXINE FORTUNE,

Plaintiffs,
v.

MURPHY PIERSON, MICHELLE
MERCERI, KATHERINE MERCERI,
ALTERNATIVE INVESTORS, INC., FOCUS
MORTGAGE, LLC, AZ-WA INVESTORS (a
partnership), RECONTRUST COMPANY,
N.A., and GMAC MORTGAGE
CORPORATION,

Defendants.

No. C08-1861-JCC

**ORDER GRANTING LEAVE TO FILE
SECOND AMENDED COMPLAINT**

This matter is before the Court on Plaintiff Brian Handlin & Karen Handlin's Motion for Leave to File Second Amended Complaint (Dkt. No. 23). No responses in opposition have been timely filed. The Court has carefully considered the motion and the balance of the record in this case, and hereby finds and rules as follows.

Plaintiffs seek to add five additional parties as defendants: Mark Merceri, James Aylesworth, Sean “Casey” Jones, Mortgagedclose.com, Inc., and Ranier Title, LLC.¹ The Federal

¹ Plaintiff's brief interchangeably names ReconTrust, LLC and Ranier Title, LLC, as the fifth party Plaintiffs seek to join. (See Mot. 4, 6, 7 (Dkt. No. 23).) However, the proposed amended complaint names Ranier Title, LLC, and not ReconTrust, LLC. (Dkt. No. 23-2.) Plaintiffs named ReconTrust, LLC, in the First Amended Complaint (see Dkt. No. 1 at 5), and on April 16, 2009, voluntarily dismissed that party from the action. (Dkt. No. 24.) As such, the

1 Rules provide that, as here, after a party has been served with a responsive pleading, the party "may
2 amend its pleading only with the opposing party's written consent or the court's leave. The court
3 should freely give leave when justice so requires." FED. R. CIV. P. 15(a)(2). The Court finds that the
4 interests of justice require that the Plaintiffs be granted leave to file their Second Amended
5 Complaint. The Court also finds that permitting leave to amend will result in no apparent prejudice
6 to any person or entity.

7 Now, therefore, it is ordered that the Plaintiffs are hereby granted leave to file their Second
8 Amended Complaint, which shall be filed no later than seven judicial days from the entry of this
9 Order. This Order is entered without costs to any party.

10 IT IS SO ORDERED.

11 Dated this 28th day of April, 2009.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE

Court believes that Plaintiffs' inclusion of ReconTrust, LLC, in its motion to amend was inadvertent. The Court
therefore does not authorize the joining of that party in granting the motion.